

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

ALAN SCHINTZIUS et al.,  
Plaintiffs,

v.

Civil Action Nos. 3:16-cv-00740-JAG  
3:16-cv-00741-JAG

J. KIRK SHOWALTER et al.,  
Defendants.

**ORDER**

This matter comes before the Court on its own initiative. The Court has before it two cases that arise from the same common nucleus of facts and assert claims against the same defendants: *Schintzius et al. v. Showalter et al.*, No. 3:16-cv-00740-JAG; and *Schintzius et al. v. Showalter et al.*, No. 3:16-cv-00741-JAG. Indeed, one case contains the complaint while the other contains a motion for temporary injunction, both as removed from state court. The Court DIRECTS the Clerk to CONSOLIDATE these cases for all purposes under *Schintzius et al. v. Showalter et al.*, No. 3:16-cv-00741-JAG. The Court DIRECTS the Clerk to docket the plaintiffs' complaint, (No. 3:16-cv-00740-JAG, Dk. Nos. 1-1, 1-2, 1-3, 1-4), in the consolidated case. Further, the Court DIRECTS the Clerk to docket the plaintiffs' motion for temporary injunction, (No. 3:16-cv-00741-JAG, Dk. No. 1-1, 1-2), as a motion for temporary restraining order in the consolidated case. The parties should file all future pleadings under *Schintzius et al. v. Showalter et al.*, No. 3:16-cv-00741-JAG.

On September 8, 2016, the Court had a conference call with all counsel it could reach in these cases. The Court was unable to reach counsel for the plaintiffs. The purpose of the call was to set the matter for a hearing on the motion for a temporary restraining order.

The Court SETS the motion for temporary restraining order for a hearing on Monday, September 12, 2016, at 9:00 a.m. At the hearing, the Court will set a date for a hearing on a preliminary injunction. Also at the hearing, Joseph Morrissey and the firm of Morrissey and Goldman should be prepared to address: (1) whether the firm has a conflict that would prevent it from representing the plaintiffs in this case, arising from Mr. Morrissey's candidacy for the same office as Mr. Schintzius; and (2) whether Mr. Morrissey can represent the plaintiffs, given that he is not a member of the bar of this court. If counsel for the plaintiffs have any doubt about their ability to represent the plaintiffs in this case, for ethical or other reasons, they should have back-up counsel ready to proceed in the case, because the hearing on the motion for a temporary restraining order will be heard at the time it is set. In the alternative, the plaintiffs may represent themselves.

The Court DIRECTS the defendants to promptly deliver a copy of this Order to the attorney for the plaintiffs. The defendants shall also attempt to contact the attorney for the plaintiffs by telephone to alert him about the hearing.

It is so ORDERED.

Let the Clerk send a copy of this Order to all counsel of record.

Date: September 8, 2016  
Richmond, VA

/s/  
**John A. Gibney, Jr.**  
**United States District Judge**